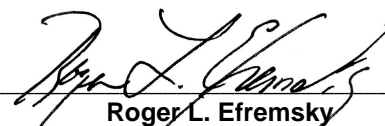




The following constitutes
the order of the court. Signed November 16, 2009


Roger L. Efremsky
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re)	Case No. 09-56463
)	
)	Chapter 13
SEAN PILLAR and)	
CHINTANA PILLAR,)	
)	
)	Trial Date: December 15, 2009
Debtors.)	Time: 2:45 p.m.
)	Length of Trial: 1 hour
)	

SCHEDULING ORDER FOR TRIAL ON
OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

A preliminary hearing on the Objection to Confirmation of Chapter 13 Plan by creditor, Patelco Credit Union, was held on November 12, 2009. Appearances were as follows:

[X] For Creditor, PATELCO CREDIT UNION:

Joshua Scheer ("Creditor");

[X] For Debtors, SEAN and CHINTANA PILLAR:

Cathleen Moran ("Debtors").

Upon due consideration, the court hereby enters the following scheduling order.

/ / / /

1 1. The trial ("Trial") on the above matter will commence
2 on **December 15, 2009, at 2:45 p.m.**, at the United States
3 Bankruptcy Court, 280 So. First Street, Room 3099, San Jose, CA
4 95113. The trial is scheduled for **1 hour**.

5 2. Evidence at the Trial must be in written (declaration)
6 form, unless the court issues an order allowing oral testimony.
7 B.L.R. 4001-1(e). Any motion for permission to introduce any
8 oral testimony shall be filed and served **seven (7) days before**
9 **the date set for Trial** and shall include the names of the
10 witnesses, the subject of their expected testimony, and a
11 statement of the reasons why the testimony cannot properly be
12 introduced by declaration.

13 3. Debtors shall cooperate to make the vehicle available
14 for creditor to inspect. The inspection shall occur during
15 "regular business hours," which means Monday through Friday, from
16 9:00 a.m. to 5:00 p.m. The inspection shall occur either at
17 Debtors' residence or Debtors' place of work, whichever, at
18 Debtors' option, is more convenient.

19 4. **Not later than seven (7) calendar days before the date**
20 **set for Trial**, each party shall:

21 (a) File, serve, and provide the Court with a Chambers
22 Copy of a trial brief. The trial brief shall include a summary
23 of the facts to be proven and the legal theories on which the
24 party relies. The court will not normally request or permit
25 post-trial briefs. Briefs shall not exceed fifteen (15) pages
26 without prior permission of the court.

27 (b) File, exchange, and provide the Court with a
28 Chambers Copy of: (i) any expert valuation declarations and

1 supporting documentation (i.e., appraisals) that the parties
2 intend to rely on at Trial; and (ii) a notice identifying any
3 other declarations or memoranda previously filed in connection
4 with any preliminary hearings.

5 (c) File and serve a list of exhibits (other than
6 those exhibits to be used for impeachment or rebuttal) in
7 accordance with the attached form. All items shall be completed
8 with the exception of the date boxes pertaining to identification
9 and admittance, which are to be left blank.

10 (d) Exchange, but not file, copies of all exhibits the
11 party intends to introduce into evidence. Any paper(s) in the
12 Court's file of which a party intends the court to take judicial
13 notice must be copied and included as an exhibit.

14 (e) Lodge with the Court **the original and two copies** of
15 the party's exhibits, together with **the original and two copies**
16 of the party's Exhibit List.

17 The exhibits shall be pre-marked for identification.
18 Creditor's exhibits should be marked by number and Debtor's
19 exhibits should be marked by letter. Each page of any exhibit
20 that has more than one page is to be numbered consecutively.

21 The parties shall bring to Trial sufficient copies of the
22 exhibit list and all exhibits for opposing counsel, **as well as an**
23 **extra copy for the court.**

24 If a party has ten (10) exhibits or less, the exhibits
25 shall be marked with the party's number or letter in the lower
26 right hand corner in ink. If a party has more that ten (10)
27 exhibits, the exhibits should be placed in a three-ring binder
28 with the exhibit list placed at the front of the binder. The

1 exhibits shall be divided by tabs extending beyond the page on
2 the right hand side and the tab shall bear the number or letter
3 of the exhibit. If a party has in excess of twenty-five (25)
4 exhibits, the party shall contact the Courtroom Deputy for
5 further instructions.

6 5. Promptly after receipt of the items mentioned in
7 Paragraph 4, each party must advise the opposing party of any
8 objections to the introduction of testimony or exhibits. Parties
9 must meet and confer before Trial to attempt to reach agreement
10 regarding admissibility. The court expects the parties to make
11 good faith efforts to resolve all evidentiary issues.

12 6. If efforts to resolve questions regarding the
13 introduction of testimony or exhibits are unsuccessful, motions
14 in limine should be filed and served no later than **four (4) court**
15 **days** before the date set for Trial. Such motions should include
16 a certification that the moving party has complied with paragraph
17 5. Opposition thereto should be filed and served no later than
18 **one (1) court day** before the date set for Trial. Copies of
19 motions and oppositions should be delivered or faxed directly to
20 Chambers. Motions in limine will be heard at the commencement of
21 Trial.

22 7. At the commencement of Trial, the parties shall be
23 prepared to stipulate into evidence all exhibits that are
24 admissible for at least one purpose. Bonafide objections may be
25 reserved, with the issue of admissibility deferred until the
26 exhibit is offered into evidence.

27 8. Any expert witness who has provided a valuation
28 declaration upon which a party intends to rely at trial, must

1 appear **in person** at trial for cross-examination. If an expert
2 witness does not personally appear at trial, his or her
3 declaration will be stricken.

4 9. The requirement of advance identification of witnesses
5 and production of exhibits does not apply to witnesses and
6 exhibits presented for purposes of impeachment or rebuttal.

7 10. **No later than 4:00 p.m. on Monday, December 7, 2009,**
8 counsel for Creditor must telephone the court's Courtroom Deputy,
9 Ms. Carol Barnhill (408-278-7557) and report: whether the parties
10 intend to go forward with the Trial as scheduled; if settlement
11 is likely; whether the time reserved for the Trial is realistic;
12 and any other relevant information.

13 11. Ongoing settlement discussions and/or undocumented
14 resolutions of the matter do **not** excuse the parties from
15 compliance with this order. The only event that excuses
16 compliance is a complete resolution of the matter which has been
17 documented and which documentation has been filed with the court
18 prior to the deadlines set forth in the order.

19 12. Any failure of either party to comply timely with any
20 of the provisions of this order may result in continuance of the
21 matter to a date of the court's choosing, judgment against such
22 party, removal of the Trial from calendar, exclusion of evidence,
23 and/or imposition of monetary or non-monetary sanctions. Fed. R.
24 Bankr. P. 7016.

25 *****END OF ORDER*****
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1 **Court Service List:** [by mail and/or ECF]

2 Sean Pillar
3 3427 Judi Ann Ct.
4 San Jose, CA 95148

4 Chintana Pillar
5 3427 Judi Ann Ct.
6 San Jose, CA 95148

6 Cathleen Cooper Moran
7 Moran Law Group, Inc.
8 1674 N Shoreline Blvd. #140
9 Mountain View, CA 94043-1375

8 Joshua L. Scheer
9 Scheer Law Group, LLP
10 155 N. Redwood Drive, Suite 100
11 San Rafael, CA 94903

11 Devin Derham-Burk
12 P.O. Box 50013
13 San Jose, CA 95150-0013

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CERTIFICATE OF NOTICE

District/off: 0971-5
Case: 09-56463

User: clcaban
Form ID: pdfao

Page 1 of 1
Total Noticed: 1

Date Rcvd: Nov 17, 2009

The following entities were noticed by first class mail on Nov 19, 2009.
db/jdb +Sean Pillar, Chintana Pillar, 3427 Judi Ann Ct., San Jose, CA 95148-4336

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 19, 2009

Signature:

